



## **Minutes of the Regular Meeting of the Buena Vista Planning and Zoning Commission November 16, 2016**

### **CALL TO ORDER**

A regular meeting of the Planning and Zoning Commission was called to order at 6:01 p.m., Wednesday, November 16, 2016 at Buena Vista Community Center, 715 E Main Street, Buena Vista, Colorado by Vice Chair Preston Larimer. Also present were Commissioners Annie Davis and Tim Bliss, and Alternate Commissioners Ed Barkowski and Lynn Schultz-Writsel. Staff Present: Principal Planner Mark Doering and Planning Technician Jill Abrell.

### **PLEDGE OF ALLEGIANCE**

Vice Chair Larimer led in the Pledge of Allegiance.

### **ROLL CALL**

Abrell proceeded with the roll call and declared a quorum.

### **AGENDA ADOPTION**

Larimer called for approval of the agenda. **Motion #1** by Davis seconded by Bliss to adopt the agenda as presented. Motion carried.

### **APPROVAL OF MINUTES**

Larimer requested an amendment to a statement he made, citing that it had not been noted accurately. Larimer also noted a mis-type. Motion to accept the November 2, 2016 as amended made by Bliss seconded by Barkowski. **Motion #2** carried.

### **PUBLIC COMMENT**

Larimer opened the public comment portion of the hearing at 6:05 p.m. With no comments received, the public comment portion of the hearing was closed at 6:05 p.m.

### **STAFF / COMMISSION INTERACTION**

Doering began by expressing his thanks for the Commission's hard work. He then discussed the R-3 zone changes previously presented to the Commission and noted that they had been presented to the Board of Trustees. He stated that the Board had decided to table the zone change discussion as they are concerned about water. He stated that the Water Board will be listening to the proposal tonight and providing input. He explained that the Board of Trustees was concerned about the increase in potential density and the water demand that would result. He noted that the project that Charlie Chupp had previously discussed could no longer move forward at this point.

Larimer inquired about water fees. Doering explained that the Town has a System Improvement and Development Fee, commonly and incorrectly referred to as a tap fee, which is used to fix pipes or secure new water rights to provide water. He stated that tap fees are rarely waived because the fees are necessary to secure water supply. Doering explained that in 2016 the Town approved applications for 19 new single family dwelling units, and that the fees paid for each of those could secure a new well. He stated that currently, if the Town averages 17 new homes per year, the Town has about 25 years worth of

water supply without securing any new wells. He explained that subdivisions are always reviewed for impact, and that water supply and demand is always taken into consideration. He said that a large subdivision could bring in a new well.

Barkowski inquired about the current wells. Doering responded that Well #3 is the current back up well, and the Town currently has three or four wells. He added that new wells would likely be primary instead of back up. Doering stated that it would be beneficial to the Town to have another well, and that the Town would like to have a well sourced out of the upper Arkansas River, but that the process to purchase rights would be involved. Doering explained that Buena Vista could have had drought restrictions this past summer but with the late rain it wasn't an issue. He concluded that there is sufficient water, but that water rights always have to be considered.

Bliss inquired about the status of the land swap. Doering stated that Town had met with Urban Inc., the developer partnering with the Town to develop affordable housing, yesterday (November 15). The Town and School District have agreed for the Town to purchase a piece of land to build a baseball field, and that will go to an election. If the voters pass the proposal in April, the Town will dedicate land ownership to the School District and the Town will acquire their parcel for a swap. If the voters do not approve, a piece of land south of Sunset Vista 4 will be used to trade an appropriate value of land so that the School District would still receive a fair land swap. He noted that an election would still need to be held to determine if the land in River Park could be used. He added that Town will continue efforts to get the park designated and sold to the School District. Doering noted that the Town is also applying for Greater Outdoor Colorado (GOCO) funds in the amount of \$250,000 and that the grant would be used to help build the park. He stated that the Town will find out in March. Doering continued by stating that the Town has also applied to the Daniels Fund for additional funding for the park to build the baseball field. He explained that the Town is in the process of getting the field surveyed and appraised. He added that no building will occur on the current baseball field until a new one has been built and noted that the goal is to start construction in July after the baseball season is over.

Bliss inquired about public input for the project and design. Doering explained that the code doesn't have any regulations regarding public input and added that the code does not have regulations regarding design standards. He noted that design standards are being proposed with the new Unified Development Code (UDC) and commented that that may be something to consider when reviewing the UDC. He also noted that the Historic Planning Commission will have some say in what happens with and around Historic Buildings, but concluded that currently, there are no design standard requirements in the code for the Town to enforce.

Doering reminded the Commission that the next meeting on December 7 would be a joint work session between the Commission and the Board of Trustees and noted that it would be a rather long discussion. He stated that the updated draft of the UDC would be sent out November 30 or December 1, as soon as staff receives a copy from the consultants. He noted that at that time, it would also be posted to the Town website and available to the public. Doering noted that the consultants would be present at the meeting on December 7. He stated that at that meeting, the Commission will have the option to recommend to the Board of Trustees approval of the UDC. He stated that he anticipated greater public input at the following Board of Trustees meeting on December 14. He stated he hoped that the UDC would be passed by January 2017.

Larimer asked if the work session would be open to the public. Doering stated that public input would be welcome at the December 7 meeting though it would be more of a work session. He clarified that the

meeting would start at 6:00 p.m. and that the consultants would likely take a couple hours to present. Doering stated his hopes for a thorough and well-thought discussion to occur at the work session.

Doering noted that with the UDC, the Commission would still be hearing presentations on Special Use Permits and Comprehensive Sign Plans, but that the UDC proposes that the Commission makes the final decision on those applications. He noted that re-zoning applications would go in front of the Commission but continue on to the Board as is the current process. He added that with the new UDC, more processes are being proposed to be administrative. Larimer stated that he hoped the UDC would be less contradictory, more clear, and easier to enforce.

Larimer asked if the RV regulations would be part of the new code. Doering stated that there would be regulations outlined under the nuisance codes. He stated there would be regulations for parking, storing, and selling RVs long term. He stated that an ordinance had been recently passed that required people to not store their RVs or trailers on the streets. Doering added that it is not allowed for someone to live in an RV long term. He noted that another issue is that Town property often extends to more land than simply where the road is, and that many people don't realize that having their RV off the street doesn't necessarily mean that it's off Town property.

Davis inquired about tiny houses. Doering stated that there is a section dealing with co-housing in the proposed UDC. He explained that the problem with tiny homes is that they are not built to any sort of building code standards. He explained that RVs are built to an industry standard for people to live out of temporarily, but tiny houses, which are also on wheels, are not built to a standard. He added that people want to live in the tiny homes permanently. He noted the concern of not being able to connect to water or sewer, utilities, or have a permanent foundation. Doering stated that the co-housing section looks to address tiny homes by providing certain requirements that would need to be met.

Larimer noted that some development in Salida is at \$800/square foot. Doering commented that some prices of proposed affordable housing that he had heard did not appear to be that affordable. He stated that this is a big motivation factor for the land swap to create affordable housing and is also why the Town is working with Charlie Chupp to provide affordable housing the way he had proposed.

Schultz-Writsel asked for clarification regarding the existing code and the proposed UDC. Doering explained that while the Town does have a current code, it is essentially being thrown out, and the UDC will be replacing Chapters 16, 17, and parts of Chapter 18 of the current Municipal Code. Doering explained that the current code had had so many "band aid fixes" that sections ended up contradicting each other so the Town decided to re-write a new code instead of trying to "band aid fix" the current one. He clarified that the Chaffee County Building Department handles the building code so the proposed changes for the UDC will not conflict with the Building Department and Building Code. Doering explained that the Building Department is currently using the 2006 Building Code, but they are expected to adopt the 2015 Building Code.

Schultz-Writsel inquired about the Developers Forum. She stated she felt that there weren't huge complaints but that there was some general unhappiness. Doering stated he felt that the developers probably had more comments but didn't feel like they could speak freely. He informed the Commission that Town is working on a survey which would allow the developers to hopefully feel more comfortable voicing concerns.

Barkoswki noted that the criticisms voiced seemed vague. Bliss added that it seemed that the criticism was usually followed by praise and commented that many developers noted that many of their concerns seemed to be getting better. Doering highlighted a comment made by Bruce Kramer, expressing his

desire for the Town to have more accountability for the builders, be fair to everyone, and require builders to do what they say they are going to do. Doering commented that he believes Mr. Kramer's point is that everyone needs to be held to the same standard, and he appreciated Mr. Kramer's comments and input.

Doering added that he hopes that with the new UDC will correct some of the quirks, hand shake deals, and allowing people to do or not do something "because it's the way it's always been done." He stated that the new UDC will hopefully give us direction forward and the past can stay in the past. Larimer added that handshake deals are easy but not fair. Doering stated that his goal is to be fair to everyone, and to try to make people happy with the new UDC.

The Commission then discussed staff turnover as it relates to small communities, budgets, and affordable housing.

#### **ADJOURNMENT**

There being no further business to come before the Commission, Commissioner Davis motioned to adjourn the meeting at 6:47 p.m. Commissioner Bliss seconded. **Motion #3** was unanimously approved.

Respectfully submitted:

  
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Trey Shelton, Chair  
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Melanie Jacobs, Deputy Town Clerk  
(for Jill Abrell, Planning Technician)